

# Philip M. Nichols

*Joseph Kolodny Professor of Social Responsibility  
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*Professor of Legal Studies and Business Ethics*

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## EDUCATION

LL.M., foreign and international law, Duke University School of Law, 1988

J.D., Duke University School of Law, 1988

editor-in-chief, *Duke Law Journal*

A.B., anthropology, Harvard University, 1982

## BOOKS

*The Transnationalization of Anticorruption Law*, co-edited volume with Régis Bismuth & Jan Dunin-Wasowicz (forthcoming 2020) Routledge

*Thinking About Bribery: Neuroscience, Moral Cognition, and Psychology of Bribery*, co-edited volume with Diana Robertson (2017) (Cambridge University Press)

*Public Sector Corruption and the Private Business Firm* (forthcoming) (Oxford University Press)

## PUBLICATIONS

“Corporate Accountability for Corruption and the Business Case for Transparency,” in *Cambridge Companion to Business and Human Rights* (Ilias Bantekas & Michael Ashley Stein editors, forthcoming 2021) (Cambridge University Press)

“To Whom Does a Defense Industry Business Firm Owe a Duty When Presented With an Opportunity to Pay a Bribe?,” in *Ethical Dilemmas in the Global Defense Industry* (Daniel Schoeni & Claire Finkelstein editors, forthcoming 2020) (Oxford University Press)

“Teaching to Prevent the Corrupt Manipulation of Algorithms,” in *Implementing PRME in the time of Artificial Intelligence* (Wolfgang Amann & Agata Stachowicz-Stanusch editors, forthcoming 2020) (Information Age Publishing)

“Preventing the Corruption of Healthcare Algorithms,” *Notre Dame Journal of Emerging Technologies*, 1(2) (forthcoming 2020)

“Bribing the Machine: Protecting the Integrity of Algorithms as the Revolution Begins,” *American Business Law Journal*, 56(4):771-814 (2019)

“Promoting Creating Shared Value Strategies as a Tool for Controlling Corruption,” in *Mastering Corruption: The Practitioner’s View* 147-165 (Wolfgang Amann & Agata Stachowicz-Stanusch editors, 2019) (Information Age Publishing)

“Maximizing Stakeholder Trust as a Tool for Controlling Corruption,” *Crime, Law and Social Change* 71(2):171-195 (2019)

“Article 39,” in *Commentary on the United Nations Convention Against Corruption* 389-395 (Michael Kubiciel, Oliver Landwehr & Cecily Rose editors, 2019) (Oxford University Press)

“Article 38,” in *Commentary on the United Nations Convention Against Corruption* 383-388 (Michael Kubiciel, Oliver Landwehr & Cecily Rose editors, 2019) (Oxford University Press)

“Article 37,” in *Commentary on the United Nations Convention Against Corruption* 374-382 (Michael Kubiciel, Oliver Landwehr & Cecily Rose editors, 2019) (Oxford University Press)

“Bribery and the Study of Decision Making,” in *Thinking About Bribery: Neuroscience, Moral Cognition and the Psychology of Bribery* 1-30 (Philip M. Nichols & Diana C. Robertson editors, 2017) (Cambridge University Press) (with Diana C. Robertson)

“Thoughts on the Control of Bribery,” in *Thinking About Bribery: Neuroscience, Moral Cognition and the Psychology of Bribery* 239-265 (Philip M. Nichols & Diana C. Robertson editors, 2017) (Cambridge University Press) (with Diana C. Robertson)

“What is Organizational Corruption?,” in *Handbook of Business and Corruption: Cross-Sectoral Experiences* 3-23 (Michael Aßländer & Sarah Hudson editors, 2017) (Emerald Group Publishing)

“The Neomercantilist Fallacy and the Contextual Reality of the Foreign Corrupt Practices Act,” *Harvard Journal on Legislation* 53(1):203-246 (2016)

“The Good Bribe,” *UC Davis Law Review* 49(2):647-683 (2015)

“Are Facilitating Payments Legal?,” *Virginia Journal of International Law* 54(1):127-155 (2013)

“The Business Case for Complying With Bribery Laws,” *American Business Law Journal* 49(2):325-368 (2012)

“United States v. Lazarenko: The Trial and Conviction of Two Former Prime Ministers of Ukraine,” *University of Chicago Legal Forum* 2012:41-89 (2012)

“The Psychic Costs of Violating Corruption Laws,” *Vanderbilt Journal of Transnational Law* 45(1):145-210 (2012)

“Collective Action to Combat Public Sector Corruption: Four Necessary Steps,” *Global Business & International Management Conference Journal* 5(3):89-100 (2012)

“The Perverse Effect of Campaign Contribution Limits: Reducing the Allowable Amounts Increases the Likelihood of Corruption in the Federal Legislature,” *American Business Law Journal* 48(1):77-118 (2011) awarded Hoerber Award as the best article published in volume 48

“Who Allows Facilitating Payments?” *Agora Without Frontiers* [Greece] 14(4):303-323 (2009)

“Multiple Communities and Controlling Corruption,” *Journal of Business Ethics* 88(4):805-813 (2009)

“Using Sociological Theories of Isomorphism to Evaluate the Possibility of Regime Change Through Trade Sanction,” *University of Pennsylvania Journal of International Law* 30(3):753-788 (2009)

“Sovereignty and Reform of the World Trade Organization,” in *Redefining Sovereignty in International Economic Law* 147-158 (Wenhua Shan editor, 2008) (Society of Legal Scholars: Hart)

“The Impact of the Failures of the Doha Round on Trade Regimes in Asia,” in *International Economic Law and China in Its Economic Transition* 71-100 (Huiping Chen editor, 2007) (Chinese Law Series: Hein)

“Corruption as an Assurance Problem,” *American University International Law Review* 19(6):1307-1349 (2004)

“Corruption as a Pan-Cultural Phenomenon: An Empirical Study in Countries at Opposite Ends of the Former Soviet Empire,” *Texas International Law Journal* 39(2):215-256 (2004) (with George J. Siedel & Matthew Kasdin)

“The Fit Between Changes to the International Corruption Regime and Indigenous Perceptions of Corruption in Kazakhstan,” *University of Pennsylvania Journal of International Economic Law* 22(4):863-973 (2001)

“Privatization Techniques for Central Asia,” *Central Asian Journal of Management, Economics and Social Research* 2(2):45-56 (2001)

“Dealing With an Eruption of Corruption,” in *Mastering Risk* 187-190 (James Pickford editor, 2001) (Prentice Hall)

“Two Snowflakes Are Alike: Assumptions Made in the Debate Over Standing Before World Trade Organization Dispute Settlement Boards,” *Fordham International Law Journal* 24(1/2):427-443 (2000)

“The Myth of Antibribery Laws as Transnational Intrusion,” *Cornell International Law Journal* 33(3):627-655 (2000)

“Electronic Uncertainty Within the International Trade Regime,” *American University International Law Review* 15(6):1379-1423 (2000)

“Increasing Global Security by Controlling Transnational Bribery,” *Michigan Journal of International Law* 20(3):451-476 (1999)

“Regulating Transnational Bribery in Times of Globalization and Fragmentation,” *Yale Journal of International Law* 24(1):257-303 (1999)

“A Legal Theory of Emerging Economies,” *Virginia Journal of International Law* 39(2):229-301 (1999)

“Forgotten Linkages — Historical Institutionalism and Sociological Institutionalism and Analysis of the World Trade Organization,” *University of Pennsylvania Journal of International Economic Law* 19(2):461-511 (1998)

“Control of Transnational Bribery Through the World Trade Organization,” in *Commentaries on Law and Public Policy: 1997 Yearbook* 263-297 (Robert W. McGee editor, 1998) (Dumont Institute for Public Policy Research)

“Creating a Market Along the Silk Road: A Comparison of Privatization Techniques in Central Asia,” *New York University Journal of International Law and Politics* 29(3):299-336 (1997)

“The Viability of Transplanted Law: Kazakhstani Reception of a Transplanted Foreign Investment Code,” *University of Pennsylvania Journal of International Economic Law* 18(4):1235-1279 (1997)

“Outlawing Transnational Bribery Through the World Trade Organization,” *Law and Policy in International Business* 28(2):305-381 (1997)

“Comments on Chapter 5 [The Free Trade-Fair Trade Debate],” in *Economic Dimensions in International Law: Comparative and Empirical Perspectives* 235-247 (Jagdeep S. Bhandari & Alan O. Sykes editors, 1997) (Cambridge University Press)

“Corruption in the World Trade Organization: Discerning the Limits of the World Trade Organization’s Authority,” *New York University Journal of International Law and Politics* 28(4):711-784 (1996)

“Trade Without Values,” *Northwestern University Law Review* 90(2):658-719 (1996)

“Realism, Liberalism, Values, and the World Trade Organization,” *University of Pennsylvania Journal of International Economic Law* 17(3):851-882 (1996); reprinted at *University of Pennsylvania Journal of International Economic Law* 25(2):725-754 (2004)

“GATT Doctrine,” *Virginia Journal of International Law* 36(2):379-466 (1996)

“Extension of Standing in World Trade Organization Disputes to Nongovernment Parties,” *University of Pennsylvania Journal of International Economic Law* 17(1):295-329 (1996); reprinted at *University of Pennsylvania Journal of International Economic Law* 25(2):669-704 (2004)

“Swapping Debt for Development: A Theoretical Application of Swaps to the Creation of Microenterprise Lending Institutions in Sub-Saharan Africa,” *New York University Journal of International Law and Politics* 27(1):43-102 (1994)

“Symmetry and Consistency and the Plaintiff’s Risk: Partial Settlement and the Right of Contribution in Federal Securities Actions,” *Delaware Journal of Corporate Law* 19(1):1-63 (1994)

“Redefining ‘Common Carrier’: The FCC’s Attempt at Deregulation by Redefinition,” *Duke Law Journal* 1987(3):501-520 (1987)

“A Student Defense of Student Edited Journals: In Response to Professor Roger Cramton,” *Duke Law Journal* 1987(6):1122-1137 (1987)

### **ACADEMIC POSITIONS**

The Wharton School of the University of Pennsylvania (1992 to present)

*Courses:* Business Ethics/Corporate Social Responsibility; Corruption; Emerging Economies; Globalization and Corruption; International Business Transactions; Introduction to Law and Legal Process; Law and Social Values; Social Impact

*Awards:* Fulbright Fellowship, 2001-2002

Hoerber Award (best article published in volume 48 of the *American Business Law Journal* 2011

Best Paper Award, Canadian Academy of Legal Studies in Business Annual Conference 2019

Ralph J. Bunche Award for Best International Law Paper at the Academy of Legal Studies in Business Annual Conference 2002

seventeen teaching awards at the University of Pennsylvania and the Wharton School

*Visiting Positions:* University of Montevideo, 2018; Korea University, 2008, 2009; Indian School of Business, 2007; Singapore Management University, 2004; National University of Mongolia, 2001-2002

### **PRESENTATIONS AND SEMINARS**

organizations: Academy of Legal Studies in Business; American Society of International Law; Anti-Corruption Law Interest Group; Asian Pacific Economic Cooperation; Asian Society of International Law; Asociación Panameña de Ejecutivos de Empresa; Association of European Businesses (Russia); Basel (Switzerland) Institute on Governance; Canadian Academy of Legal Studies in Business; CEO Circle Speaker Series (Taipei); Central Eurasian Studies Society; Chinese Society of International Economic Law; Confederation of Indian Industries; Fundación

Nicaragüense para el Desarrollo Económico y Social; Institute of Finance and Economics (Russia); International Center for Corporate Accountability; International Economic Law Interest Group; International Law Association; International Law Institute; Jakarta (Indonesia) Business Council; Minsheng Academy (Beijing); Russian Academy of Science; Russian Compliance Alliance; Society of Legal Scholars (Oxford); U.S. Russia Business Council; Vietnamese Chamber of Commerce and Industry; United Nations (Geneva)

selected conferences: Abajo la Corrupcion, Mexico; Anti-Corruption Forum, Germany; Anti-Corruption Summit, USA; Big Data Colloquium, USA; Business Ethics and Corporate Governance as Anti-Corruption Tools, Panama; Caribbean-Central American Action Conference, USA; Center for Business Ethics, Crime and Regulation, USA; Center for Ethics and the Rule of Law, USA; ComplianceNet Conference on Business Ethics, USA; Conference on Bribery and Corruption in the Twenty-First Century, Cornell Law School, USA; Conference on Business Ethics and Corruption in the Globalized World, O.P. Jindal Global University, India; Conference on Business Ethics in a Changing Global Environment, India; Conference on Economic Analysis of International Law, USA; Conference on Emerging Markets and the New Dynamics of Management, UK; Conference on Ethics in Business and Economics, Kazakhstan; Conference on Ethics in Public Life, Austria; Conference on Post-Cold War International Security Threats, University of Michigan Law School, USA; Corruption in Asia: Law and Governance, Corporate Responsibility, and Media, USA; Ethische Aspekte der Korruption – Zittauer Gespräche zur Wirtschafts- und Unternehmensethik, Germany; Foro Annual de Gobierno Corporativo, Colombia; Forum on Ethics in the Financial Sector, Panama; Global MedTech Conference, Spain; Globalization of Educational Space: Methodical Aspects, Russia; Harvard Project for Asian and International Relations, USA; Huber Hurst Seminars, USA; Implementation Process of Good Governance Programs, El Salvador; Inter-American Conference on Corporate Social Responsibility, Brazil; International Academic Conference on Economic and Social Development, Russia; International Interdisciplinary Conference, Russia; Internationalization of Anti-Corruption Law, France; Introducción a la Ética Empresarial, Guatemala; Law, Evil and the State – Issues in State Power and Violence, Austria; Middle East & Central Asia Politics, Economics and Society Conference, USA; Patterns of Corruption in the 21st Century, Greece; Presentation to the Newly Elected President of Panama and his Cabinet, Panama; Private Sector Integrity and Economic Development in Gulf Countries, Qatar; Research for Country Advancement, France; Roundtable of Business Leaders, St. Petersburg, Russia; Teaching Peace, Business Ethics and Social Innovation In Post-Accord Colombia, Colombia; Trade Sanction in a 21st Century Economy, USA; Trans-Atlantic Business Ethics Forum, USA; Transnational Corporate Responsibility in the 21st Century, USA; World Business Ethics Forum, Hong Kong and Macau; Transition from Capitalism to Socialism, Venezuela

universities: American University School of Law, USA; Amity University, India; Colegio de Estudios Superiores de Administración, Colombia; Higher School of Economics, Russia; Hong Kong University of Science and Technology; Indiana University, USA; Moscow Pedagogical Institute, Russia; Moscow State University, Russia; National University of Mongolia; Russian National University of the Humanities; Saint Petersburg Polytechnical University, Russia; Saint Petersburg State University of Economics, Russia; Singapore Management University; Stellenbosch University, South Africa; Temple Law School, USA; Universidad de La Sabana, Colombia; Universidad Interamericana, Panama; University of California at Davis, USA;

University of Chicago, USA; University of Ciudad del Este, Paraguay; University of Connecticut, USA; University of Florida, USA; University of Indonesia, Faculty of Law; University of Miami, USA; University of Michigan, USA; University of Minnesota, USA; University of Texas, USA; University of Utara, Malaysia; University of Virginia School of Law, USA; University of Washington School of Law, USA; University of Yaroslavl, Russia; Xiamen University, China; Xi'an Jiaotong University, China

### **PROFESSIONAL SERVICE AND EXPERIENCE**

President and member of Executive Committee, Academy of Legal Studies in Business, 2013-2018, President 2016 to 2017

Co-Chair, Anti-Corruption Law Interest Group, American Society of International Law, 2013 to 2020

Co-Chair, International Economic Law Group, American Society of International Law, 2003 to 2005 (Advisory Board 2007 to present)

Co-Chair, UN/CEFACT Law Group (United Nations experts committee on electronic commerce and trade facilitation), 1998 to 2005

pro bono consulting, research or other service for countries or organizations: Belize, Botswana, Benin, Brazil, China, El Salvador, Germany, India, Guatemala, Indonesia, Kazakhstan, Kyrgyzstan, Malaysia, Mongolia, Nicaragua, Panama, Paraguay, Poland, Qatar, Russia, Senegal, Singapore, South Africa, Taiwan, Ukraine, Uzbekistan, Venezuela, Viet Nam, as well as the Asia Pacific Economic Cooperation (APEC) and the United States Department of Commerce

reviewer: *African Journal of Political Science and International Relations*; *American Business Law Journal*; *Asia Pacific Law Review*; *Business Ethics Quarterly*; *Crime, Law and Social Change*; *Harvard Law Review*; *International Journal of Public Law and Policy*; *Journal of Anthropology Research*; *Journal of Business Ethics*; *Journal of Legal Studies Education*; *Korean Journal of Law and Legislation*; *Osgoode Hall Law Journal*; *Stanford Law Review*; *Utrecht Journal of International and European Law*

associate: Dickstein, Shapiro & Morin, Washington, D.C., 1991-1992; Ropes & Gray, Boston, Massachusetts, 1989-1991

judicial clerk: The Honorable Robert R. Beezer of the United States Court of Appeals for the Ninth Circuit, 1988-1989

### **SERVICE TO THE UNIVERSITY OF PENNSYLVANIA (\*current)**

CCTV Advisory and Approval Committee; Center for East Asian Studies Advisory Board; Committee for Review of Wharton Undergraduate Curriculum; Committee for the Ten Year Review of the Wharton Undergraduate Curriculum; Committee on Campus and Community Life; Committee on Open Expression; Committee on Safety and Security; Committees to Review and

Rewrite University Alcohol Policy; Department Search Diversity Adviser; Department Undergraduate Advisor\*; Director of the Wharton Law Program; Faculty Council on Academic Access\*; Faculty Director of College Houses and Academic Services; Faculty Director of Stouffer College House\*; Faculty Liaison to the University Trustee's Committee on Student Life; Faculty Senate Executive Committee; Midstates Accreditation Review, Academic Access and Equity Working Group; Penn Humanities Forum Advisory Board; Penn Student Federal Credit Union Advisory Board\*; President's Alcohol Rapid Response Team; President's Committee on Safety and Security in a Diverse Environment; Provost/Faculty Senate Committee to Evaluate the Use of Teaching Evaluations; Residential Faculty Council\*; Social Impact and Responsibility Concentration Advisor\*; University Council; University Council Steering Committee; University Police Advisory Board; Wharton Affirmative Action Officer; Wharton Committee on Academic Freedom and Responsibility; Wharton Curriculum Committee; Wharton Curriculum Implementation Review Committee; Wharton MBA Executive Committee; Wharton Wellness Ambassador\*; Wharton Social Impact Initiative Advisory Board\*